

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 21319/50	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/FR2004/003080	International filing date (<i>day/month/year</i>) 01.12.2004	Priority date (<i>day/month/year</i>) 10.12.2003
International Patent Classification (IPC) or national classification and IPC B27K3/15, C08L97/02		
Applicant HENRI SELMER PARIS		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-16 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-25 _____ received by this Authority on 30.05.2005 with letter of 24.05.2005
- nos.* _____ received by this Authority on _____
- ☐ the drawings:
- sheets _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-25</u>	YES
		Claims <u>-</u>	NO
	Inventive step (IS)	Claims <u>1-25</u>	YES
		Claims <u>-</u>	NO
	Industrial applicability (IA)	Claims <u>1-25</u>	YES
		Claims <u>-</u>	NO
2.	Citations and explanations (Rule 70.7)		
1.	<p>The applicant has filed a set of amended claims (the requirements of PCT Article 19(2) are met) of which the subject matter is no longer a method for <u>treating wood in general</u> but a <u>method for producing wind instruments including a treatment of the wood</u>. Consequently, D1 to D6, which describe methods for treating wood in general, are no longer relevant to the present application.</p>		
2.a	<p>D7 (see in particular claims 2 to 5 and page 2, line 35 to page 3, line 30), which is considered to be the prior art closest to the subject matter of claim 1, describes a method for producing woodwind musical instruments, which includes:</p> <ul style="list-style-type: none"> - a first step of impregnating a piece of wood with organic monomers such as vinyl chloride, vinyl acetate, vinylidene chloride, styrene, acrylonitrile, methyl methacrylate, other methacrylates and acrylates, as well as mixtures of the above-mentioned monomers; mixtures comprising a monomer and a polymer, for example styrenes/non-saturated polyesters or methyl methacrylate/methyl polymethacrylate (referred to 		

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	<p>as methyl methacrylate "syrup") may also be used;</p> <ul style="list-style-type: none">- a second step of exposing the wood thus impregnated to high-energy electromagnetic radiation, such as gamma radiation, high-velocity electron beams and the like. <p>2.b The subject matter of claim 1 differs from this method in that:</p> <p>(I) in the first step, a piece of wood is impregnated with organic monomers selected from among</p> <ul style="list-style-type: none">(A) drying oils and/or(B) at least one first reagent comprising at least two glycidyl functions and at least one second reagent comprising at least two primary amine or secondary amine -NH functions, the average functionality of the first and second reagents being strictly greater than two; <p>(II) in the second step, the wood is exposed to electromagnetic radiation at a wavelength between 1 and 10^{-3} metres.</p> <p>2.c The problem that the present invention is intended to solve is that of providing an alternative method for producing woodwind musical instruments, which includes treating the wood by <i>in situ</i> polymerisation and is characterised by mechanical properties and in particular improved acoustic properties.</p> <p>2.d This aim is achieved by the method according to the</p>

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	<p>present invention. Such a solution, based on the features mentioned in point 2.b above, is neither disclosed in the prior art nor derivable therefrom without an inventive step (PCT Article 33(3); see also the PCT International Search and Preliminary Examination Guidelines, 13.14.g).</p> <p>2.e Furthermore, the claimed invention eliminates technical difficulties that cannot be overcome using the known methods:</p> <ul style="list-style-type: none">(a) the residual toxicity is reduced by using drying oils according to point (A) of claim 1;(b) the resulting three-dimensional structure according to point (B) of claim 1 is harder than those of D1;(c) the use of high-energy electromagnetic radiation sources is avoided. <p>(PCT Article 33(3); see also the PCT International Search and Preliminary Examination Guidelines, 13.14.b(ii)).</p> <p>2.f Consequently, the subject matter of claim 1 meets the requirements of PCT Article 33(2) and (3).</p> <p>3. This also applies to the dependent claims.</p> <p>4. The subject matter of the present claims is obviously industrially applicable (PCT Article 33(4)).</p>

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Box No. VIII **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Contrary to the requirements of PCT Rule
5.1(a)(iii), the description is not consistent
with the amended claims.